

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

TANNER COMPANIES, LLC,

Debtor,

Case Number: 17-40029

Chapter 7

**APPLICATION FOR COMPENSATION TO GRIER WRIGHT MARTINEZ, PA AS
SPECIAL COUNSEL TO THE TRUSTEE**

NOW COMES Grier Wright Martinez, PA (f/k/a Grier Furr & Crisp, PA) (“Applicant”), through counsel, which hereby presents this application for compensation as special counsel to the chapter 7 trustee, A Burton Shuford, (the “Trustee”) for the period May 30, 2018 through August 2, 2019.

1. By *Order Approving Application to Employ Grier Furr & Crisp, PA as Special Counsel to the Trustee*,¹ entered on July 2, 2018, this Court approved the employment of Applicant as special counsel for the Trustee, a copy of said Order is attached hereto as **Exhibit A**.

2. Applicant contends that its attorneys have performed the following services pursuant to the terms of Applicant’s engagement agreement with the Trustee as approved by the Court and Applicant is informed and believes that Applicant’s services rendered herein as special counsel for the Trustee are reasonably worth at least the sum set forth below, and that Applicant should be allowed and paid said sum as professional fees and expenses as a cost of administration of the bankruptcy estate:

¹ Grier Furr & Crisp, PA changed its name to Grier Wright Martinez, PA on May 8, 2019.

Joseph W. Grier, III (JOE)	19.30 hrs. @ \$433.16 per hr.	\$8,360.00
Michael L. Martinez (MLM)	29.80 hrs. @ \$243.52 per hr.	\$7,257.00

Total Fees:	\$15,617.00
Expenses:	\$101.50
Total Fees & Expenses:	<u>\$15,718.50</u>

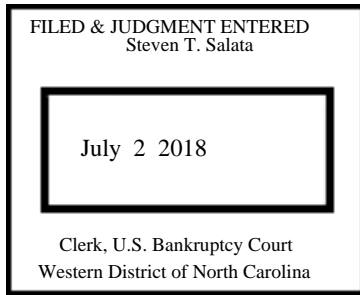
3. Attached hereto as **Exhibit B** is a summary of fees and expenses as set forth above.

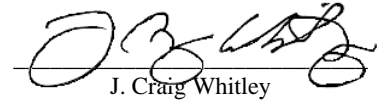
Applicant has not filed any prior fee requests in this case as special counsel to the Trustee.

WHEREFORE, Applicant requests that the Court approve compensation of \$15,617.00 and expenses reimbursed in the amount of \$101.50 for services rendered by Applicant as special counsel to the Trustee for the period May 30, 2018 through August 2, 2019 to be paid from the estate.

This, the 2d day of August, 2019.

/s/ Michael L. Martinez
GRIER WRIGHT MARTINEZ, PA
Michael L. Martinez (N.C. Bar No. 39885)
101 North Tryon Street, Suite 1240
Charlotte, NC 28246
Phone: 704/332.0209; Fax: 704/332.0215
Email: mmartinez@grierlaw.com




J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

TANNER COMPANIES, LLC,

Debtor

Case No. 17-40029-JCW
Chapter 7

ORDER APPROVING APPLICATION TO EMPLOY
GRIER FURR & CRISP, PA AS SPECIAL COUNSEL TO THE TRUSTEE

THIS CAUSE coming on to be heard before the undersigned United States Bankruptcy Judge upon the *ex-parte* Application of A. Burton Shuford, Trustee, praying for approval of his employment of Grier Furr & Crisp, PA to serve as Special Counsel to the Trustee to assist and advise the Trustee in matters pertaining to the adversary proceeding styled: *Tanner Companies, LLC and Official Committee of Unsecured Creditors v Salem Investment Partners III, Limited Partnership*, Case No. 17-03054 (the "Adversary Proceeding") up to and including the judicial settlement conference which is currently scheduled for July 26, 2018 (the "Settlement Conference"); and upon the declaration of said Joseph W. Grier, III of Grier Furr & Crisp, PA, and it appearing that Joseph W. Grier, III and the attorneys in Grier Furr & Crisp, PA that are expected to work on this matter are attorneys that are duly admitted to practice law in the State of North Carolina, and the court being satisfied that Grier Furr & Crisp, PA represents no interest adverse to the Trustee, the Debtor or the estate, in the matters upon which it is to be engaged, that its employment is necessary and would be to the best interest of the estate, it is,

ORDERED that the employment by A. Burton Shuford, Trustee, of Grier Furr & Crisp, PA as special counsel on the terms stated in the application, in the within proceeding, under Chapter 7 of the Bankruptcy Code, is approved.

This Order has been signed electronically.
The judge's signature and Court's seal
appear at the top of the Order.

United States Bankruptcy Court.

EXHIBIT A

Grier Wright Martinez PA

101 North Tryon Street
Suite 1240
Charlotte, NC 28246

(704) 375-3720

Burt Shuford
301 N. McDowell Street, Suite 1012
Charlotte, NC 28204

Jul 31, 2019

ATTN:

Matter: Representation as Trustee for Tanner Companies, LLC

File #: 18-6982 / 14949

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
May-30-18	[no charge] Conference B. Shuford, R. Rayburn and M. Martinez re adversary proceeding against Salem. [no charge]	1.50	0.00	JOE
	[no charge] Conference Burt Shuford, Rick Rayburn, and JOE re adversary proceeding against Salem Investment Partners III, Limited Partnership. [no charge]	1.50	0.00	MLM
Jun-06-18	[no charge] Telephone call R. Rayburn re litigation with Salem. [no charge]	0.40	0.00	JOE
Jun-07-18	[no charge] Conference M. Martinez re AP against Salem. [no charge]	0.20	0.00	JOE
	[no charge] Conference JOE re adversary proceeding against Salem Investment Partners III, Limited Partnership. [no charge]	0.20	0.00	MLM
Jun-12-18	[no charge] Review summer clerk memo on subsequent extension of value defense. [no charge]	1.00	0.00	JOE
Jun-25-18	[no charge] Telephone call R. Rayburn re settlement conference with Judge Whitley on July 26. [no charge]	0.50	0.00	JOE
Jun-26-18	[no charge] Telephone call B. Shuford & M. Martinez re representation of trustee at settlement conference. [no charge]	0.30	0.00	JOE

EXHIBIT B

	[no charge] Telephone call with Burt Shuford and JOE re adversary proceeding against Salem Investment Partners III, Limited Partnership. [no charge]	0.30	0.00	MLM
Jun-28-18	[no charge] Telephone call R. Rayburn re adversary proceeding against Salem. [no charge]	0.20	0.00	JOE
Jul-10-18	Telephone call from Rick Rayburn re remaining claims against Salem Investment Partners III, Limited Partnership. Emails with Burt Shurford re the same. Draft joint statement re remaining claims.	0.70	206.50	MLM
Jul-11-18	Emails with JOE re remaining claims in the adversary proceeding. Draft joint statement re the same. Telephone call from Jeff Oleynik re the same. Emails with Burt Shuford, Jeff Oleynik, and JOE re the same.	2.00	590.00	MLM
Jul-13-18	Conference M. Martinez re mediation brief.	0.30	165.00	JOE
	Conference JOE re brief in advance of mediation.	0.30	88.50	MLM
Jul-16-18	Draft mediation brief. Telephone call from Rick Rayburn re the same. Review emails in preparation for the same. Emails with Rick Rayburn and JOE re the same.	4.30	1,268.50	MLM
Jul-17-18	Draft mediation brief. Review ABTV emails in connection with the same.	4.50	1,327.50	MLM
Jul-18-18	Draft mediation brief. Review ABTV emails in connection with the same. Email JOE re the same.	1.40	413.00	MLM
Jul-19-18	Emails with Burt Shurford and JOE re mediation brief. Emails with Rick Rayburn re the same. Edit the same. File the same.	2.00	590.00	MLM
Jul-23-18	Review material to prepare for settlement conference.	2.00	1,100.00	JOE
Jul-24-18	Telephone call R. Rayburn and M. Martinez re Tanner mediation.	0.30	165.00	JOE
	Telephone call with JOE and Rick Rayburn re settlement conference theories. Emails with Phillip Fajgenbaum, Rick Rayburn, Brian	0.30	88.50	MLM

EXHIBIT B

	Fork, Jeff Oleynik, Burt Shuford, Ursula Hamilton, and JOE re scheduling settlement conference.			
Jul-25-18	Conference call with Burt Shuford, Jeff Oleynik, JCW, and JOE re scheduling settlement conference. Telephone call from Rick Rayburn re the same. Telephone call with Jeff Oleynik re the same.	0.50	147.50	MLM
Aug-06-18	Review damages writeup from Pell Tanner.	0.30	165.00	JOE
	Draft amended consent order governing settlement conference. Emails with Burt Shuford, Rick Rayburn, Jeff Oleynik, Brian Fork, and JOE re the same.	0.20	59.00	MLM
Aug-23-18	Telephone call R. Rayburn re upcoming mediation.	0.20	110.00	JOE
	Review brief and supporting materials for mediation.	0.80	440.00	JOE
Aug-24-18	Conference call M. Martinez, R. Rayburn and B. Shuford re upcoming mediation. Conference M. Martinez re the same.	0.60	330.00	JOE
	Review financial models in preparation of mediation.	1.50	825.00	JOE
	[no charge] Conference JOE re outstanding issues for mediation. Conference call with Rick Rayburn and Burt Shuford re the same. [no charge]	1.00	0.00	MLM
Aug-27-18	Telephone call R. Rayburn re methods of measuring damages.	0.20	110.00	JOE
	Review email from Pell Tanner re Salem impact on business.	0.20	110.00	JOE
	Draft supplement to settlement conference brief.	1.00	295.00	MLM
Aug-28-18	Conference M. Martinez re mediation preparation.	0.30	165.00	JOE
	Conference M. Martinez and work on outline for mediation.	0.80	440.00	JOE
	[no charge] Conferences with JOE re	1.00	0.00	MLM

EXHIBIT B

	settlement conference. Emails with Burt Shuford, Rick Rayburn, and JOE re the same. Compile evidentiary documentation re the same. [no charge]			
	[no charge] Conference JOE re mediation preparation. [no charge]	0.30	0.00	MLM
Aug-29-18	Attend mediation and post-mediation conferences with B. Shuford, R. Rayburn and M. Martinez.	6.00	3,300.00	JOE
	Review and edit settlement conference opening statement. Emails with JOE re the same. Attend settlement conference.	6.60	1,947.00	MLM
Sep-06-18	Conference M. Martinez re engagement with Burt Shuford, Trustee.	0.10	55.00	JOE
Sep-10-18	Telephone call Pell Tanner re claim against Salem.	0.20	110.00	JOE
	Draft letter to Chubb re mediation follow-up. Emails with Burt Shuford and JOE re the same.	0.40	118.00	MLM
Sep-11-18	Conference M. Martinez re retention by trustee to litigate Salem matter.	0.30	165.00	JOE
	Telephone call from Burt Shuford re adversary proceeding. Conference JOE re the same.	0.40	118.00	MLM
Sep-13-18	Conference call Pell & Nancy Tanner, Rick Rayburn, M. Martinez re financing costs of Salem litigation. Conference call with R. Rayburn and M. Martinez re same.	0.90	495.00	JOE
	[no charge] Conference call with Nancy Tanner, Pell Tanner, Rick Rayburn, and JOE re litigation funding. Conference call with Rick Rayburn and JOE re the same. [no charge]	0.90	0.00	MLM
Oct-11-18	Telephone call R. Rayburn re pending matters.	0.20	110.00	JOE
	Totals	49.10	\$15,617.00	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
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EXHIBIT B

Joseph W. Grier, III	19.30	\$433.16	\$8,360.00
Michael L. Martinez	29.80	\$243.52	\$7,257.00

DISBURSEMENTS

		Disbursements	Receipts
Jun-29-18	Computer Assisted Research Pacer Service	4.00	
Jun-30-18	Computer Assisted Research WestLaw	4.37	
Aug-31-18	Computer Assisted Research WestLaw	93.13	
Totals		\$101.50	\$0.00
Total Fees & Disbursements			\$15,718.50
Previous Balance			\$0.00
Previous Payments			\$0.00
Balance Due			\$15,718.50

Please make check payable to Grier Wright Martinez PA